



City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3016360
Applicant Name: Debora Goodman for Ron & Lisa Coacher
Address of Proposal: 3232 22nd Avenue West

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two parcels of land in an environmentally critical area. Proposed parcel sizes are: A) 4,200.2 sq. ft. and B) 4,202.6 sq. ft. Existing structures to remain.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into two parcels.
(Chapter 23.24, Seattle Municipal Code)

SEPA - Environmental Determination pursuant to Seattle Municipal Code
(SMC) Chapter 25.05.

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

This 8,402 sq. ft. project site is located in a single family residential zone with a minimum lot size of 5,000 square feet (SF 5000), located in the Magnolia neighborhood. The parcel is an rectangular shaped lot located between West Dravus St and West Bertona St. The subject site is located within a designated Environmentally Critical Area, Potential Slide Area.

Proposal

The proposal is to subdivide one parcel of land into two lots, both of which have frontage on 22nd Avenue W. Proposed lot areas are indicated in the summary above. Both Parcel A and B will have access from the alley on the east boundary of the site. The two existing single family residences will remain. The two residences were established for the record as legal residences on one lot in May 22, 1973 by Permit #77880.

A request for ECA Exemption was applied for under Permit #6396227 and was denied with the following comment: "SMC 25.09. ECA review is required. Based on geologic mapping, the site is correctly mapped a Potential Landslide due to Geologic Conditions. Consequently, the request for exemption is denied. All ECA Submittal, General and Landslide-Hazard, and development standards still apply for the development."

No development or construction activities are associated with the current proposal. The subject of this analysis and decision is restricted to the proposed division of land.

Public Comment

The public comment period for this project ended March 19, 2014. DPD received no written comments regarding this proposal.

ANALYSIS – SUBDIVISION

General short subdivision standards: Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat:

1. Conformance to the applicable Land Use Code provisions;

This short subdivision was submitted on the basis of application of the 75% - 80% rule pursuant to SMC 23.44.010.B.1.b. By subdivision, lots in a single family zone may be created which are "[a]t least seventy-five (75) percent of the minimum required lot area and [are] at least eighty (80) percent of the mean lot area of the lots on the same block face within which the lot will be located and within the same zone". Seventy-five (75) percent of the minimum lot size of the SF 5000 zone is 3,750 square feet. Eighty percent of the mean lot size of the lot on the subject block face between West Dravus St and West Bertona St, exclusive of the subject lot, is 4,189.2 square feet, according to information submitted in the application. The proposed lot areas of Parcels A and B, 4,200.2 and 4,202.6 square feet respectively, are greater than eighty percent of the mean lot area of the lot on the same block face (4,189.2 sq. ft.) and greater than seventy-five (75) percent of the minimum required lot area (3,750 sq. ft.). Thus, the proposed lot configuration meets the exception to the minimum lot area as contained in SMC 23.44.010.B.1.b.

2. Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;

Proposed Parcel A will have direct access from the alley to east of the site and Proposed Parcel B will also have access from the alley.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

According to the drainage reviewer, there is an eight inch combined sewer main in 22nd Avenue W. Storm water from any future development on this site will be discharged to the combined sewer. There are no recommended sewer or drainage conditions prior to recording of the short subdivision.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

6. *Is designed to maximize the retention of existing trees;*

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouse, rowhouse, and cottage housing developments as permitted in Single-Family, Residential Small Lot, and Lowrise zones and for single-family dwelling units in Lowrise zones, or any combination of the above types of residential development, as permitted in the applicable zones; and;*

8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two or more lots from one lot with more than one existing single-family dwelling unit.*

9. *Every lot except unit lots and lots proposed to be platted for individual live-work units in zones where live-work units are permitted, shall conform to the following standards for lot configuration, unless a special exception is authorized under subsection 23.24.040.B:*

a. *If a lot is proposed with street frontage, then one lot line shall abut the street for at least 10 feet; and*

b. *No lot shall be less than 10 feet wide for a distance of more than 10 feet as measured at any point; and*

c. *No proposed lot shall have more than six separate lot lines. The lot lines shall be straight lines, unless the irregularly shaped lot line is caused by an existing right-of-way or an existing lot line; and*

d. *If the property proposed for subdivision is adjacent to an alley, and the adjacent alley is either improved or required to be improved according to the standards of Section 23. 53.030, then no new lot shall be proposed that does not provide alley access, except that access from a street to an existing use or structure is not required to be changed to alley access. Proposed new lots shall have sufficient frontage on the alley to meet access standards for the zone in which the property is located.*

Conclusion

Based on information provided by the applicant, referral comments from DPD and other City Departments, and review and analysis by the Land Use Planner, the above criteria have been

met. The short subdivision meets all minimum standards or applicable exceptions set forth in the Land Use Code. This short subdivision will provide pedestrian and vehicular access (including emergency vehicles), and public and private utilities. Adequate provisions for drainage control, water supply and sanitary sewage disposal will be provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposed plat maximizes the retention of existing trees. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

DECISION - SHORT SUBDIVISION

The proposed short plat is **GRANTED**.

CONDITIONS - SHORT SUBDIVISION

None required.

ANALYSIS – SEPA

The proposal site is located in an environmentally critical area, as noted above. Proposals located in landslide prone areas (i.e. known landslide areas, potential landslide areas, and steep slopes), wetlands, and fish and wildlife habitat conservation areas may require environmental review (SMC 25.05.908), thus this application is not exempt from SEPA review. However, the scope of environmental review of projects within these critical areas is limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file and any pertinent comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: Stormwater Code (SMC22.800-808), the Grading Code (SMC 22.170), The Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Regulations for Environmentally Critical Areas (SMC 25.09).

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, “*Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*” subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

While this review is restricted to the division of land only, the following temporary or construction-related impacts may be expected at some future date: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

Earth / Soils

The ECA Ordinance and Director’s Rule (DR) 18-2011 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical engineering study by Pan GEO, Inc. dated February 18, 2014. The study has been reviewed and approved by DPD’s geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties. Geotechnical issues will be reviewed in detail with the building permit applications and any design changes or conditions can be required under the authority of the ECA Ordinance. No additional SEPA mitigation is warranted.

Long Term Impacts

Long term or use-related impacts on the environmentally critical area are also anticipated with future development as a result of this proposal, including: increased surface water runoff due to greater site coverage by impervious surfaces; loss of plant and animal habitat. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

No additional conditioning is warranted pursuant to SEPA policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and early review.

SEPA CONDITIONS

None required.

Signature: _____ (signature on file) Date: May 1, 2014
Marti Stave, Land Use Planner
Department of Planning and Development

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